

CITY OF MUSKEGON
ZONING BOARD OF APPEALS
REGULAR MEETING
MINUTES

October 8, 2013

Chairman R. Hilt called the meeting to order at 4:02 p.m. and roll was taken.

MEMBERS PRESENT: R. Hilt, S. Warmington, B. Larson, W. German Jr., T. Halterman,
E. Fordham

MEMBERS ABSENT: None

STAFF PRESENT: M. Franzak, D. Renkenberger

OTHERS PRESENT: T. Vrugink, GMB Architects; H. Kaplan, County of Muskegon

APPROVAL OF MINUTES

A motion that the minutes of the regular meeting of September 12, 2013 be approved was made by S. Warmington, supported by B. Larson and unanimously approved.

E. Fordham arrived at 4:04 p.m.

PUBLIC HEARINGS

R. Hilt disclosed that he was a board member of the Milwaukee Clipper, and had dealings with the County of Muskegon in that capacity. However, he would not be personally or financially affected by the outcome of this case.

Hearing; Case 2013-05: Request for a variance from Section 1309, Area and Bulk Requirements, of the Zoning Ordinance to construct a building within the 10 foot minimum front setback at 990 Terrace Street, by the County of Muskegon. M. Franzak presented the staff report. The County of Muskegon will be constructing an addition to the jail, to be located on the same parcel as their current facility at 990 Terrace Street (also known as 25 West Walton). This parcel is unique because it is surrounded by streets on all four sides, which means that it has four front yards according to the zoning ordinance. This presents a hardship, as the layout of the property will cause the mechanical equipment and enclosure to be located in a front yard. This is not allowed unless it is screened with part of the building. However, there is not enough room to fit it in the current setback requirement of 10 feet. There are several other buildings in the area that are located within the 10-foot setback, as well as some utilizing the zero lot line option, so granting the variance would not be detrimental to adjoining properties. The applicant is asking for a variance to be able to construct the mechanical equipment enclosure with a front setback of 2 feet, 6 inches on Pine Street.

S. Warmington asked if the 2-foot, 6-inch measurement was from the edge of the sidewalk. T. Vrugink stated that it was from the right-of-way line inside the sidewalk, and it would not impede the sidewalk. He described the screening to be used and why it was necessary.

A motion to close the public hearing was made by B. Larson, supported by W. German and unanimously approved.

The following findings of fact were offered: a) That there are exceptional or extraordinary circumstances or conditions applying to the property in question or to the intended use of the property that do not apply generally to other properties or class of uses in the same zoning district, b) That such dimensional variance is necessary for the preservation and enjoyment of a substantial property right possessed by other properties in the same zoning district and in the vicinity, c) That the authorizing of such dimensional variance will not be of substantial detriment to adjacent property and will not materially impair the purposes of this chapter or the public interest, d) That the alleged difficulty is caused by the Ordinance and has not been created by any person presently having an interest in the property, or by any previous owner, e) That the alleged difficulty is not founded solely upon the opportunity to make the property more profitable or to reduce expense to the owner, and f) That the requested variance is the minimum action required to eliminate the difficulty.

A motion that the findings of fact determined by the Zoning Board of Appeals be adopted and that the variance request to allow for a front setback of no less than 2 feet, 6 inches on Pine Street be approved, was made by S. Warmington, supported by B. Larson and unanimously approved.

OLD BUSINESS

None

OTHER

Resignation – Board members were notified that S. Brock resigned his position with the ZBA because he had moved out of the City.

2014 Meeting Dates – Board members were notified that the City Clerk wanted to change the day of the ZBA meetings for 2014, to avoid conflict with City Commission meetings. Staff will work with the Clerk to come up with an alternate day. Both the ZBA Chair and the Vice Chair stated that they were not available on Thursdays.

There being no further business, the meeting was adjourned at 4:22 p.m.